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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,664	05/18/2006	Juergen Veit	3632	4804

7590
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,664	Applicant(s) VEIT ET AL.	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/18/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to because:
 - a. Reference numeral 16 appears in Figs. 2 & 3, but is not mentioned in the specification.
 - b. Reference numeral 22 is supposed to indicate a snap ring, but no such ring is shown in Fig. 1.
 - c. The plane from which the sectional view in Fig. 1 is taken is not indicated by a line in the view from which it was taken.
 - d. Fig. 1 contradicts itself. There is no explanation of why the cross of the spur gear 18 and detent disk 10 at the top of the figure differs from their cross section at the bottom of the figure.
 - e. The drawings fail to show the recesses and rolling elements recited in claims 6, 7, 9 & 11.
 - f. The drawings fail to show the limitations in claim 9, lines 4+.
 - g. The drawings fail to show the root circle recited in claim 11.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive because there is no mention of a method of manufacture. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The disclosure is objected to because:
 - a. The specification refers to specific claims at page 1, line 4.
 - b. The section heading at page 4, line 4 should be changed to "Brief Description of the Drawings"
 - c. The brief description of Fig. 2 is misleading. It purports that Fig. 2 shows the overload coupling, but at best Fig. 2 only shows a few pieces of the coupling.
5. The detailed description of the invention is objected to as failing to provide proper antecedent basis for the recesses and rolling elements recited in claims 6, 7, 9 & 11.

6. The abstract of the disclosure is objected to because it begins with a phrase that can be implied and is made up of more than a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 13 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 8-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a. Claims 8-11 are directed to an overload coupling that interrupts the transmission of torque from a drive unit to a tool with a dent disk, but the disclosure fails to teach how that is accomplished. Instead the disclosure describes a detent disk 10 that is combined

with a some other elements, but there is no description or drawing of the connection between these elements that becomes disengaged so as to interrupt the transmission of torque.

b. Claim 12 recites the limitation, “the detent disk (10) is formed using a mould-based, powder metallurgical method” but the specification fails to teach or even mention the necessary steps to accomplish such a method.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claims 1, 8 & 12, the phrase "in particular for" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

b. Claims 1 & 8 recite the limitation, "a shape designed using powder metallurgy" It is unclear how a shape is *designed* using such technology. Usually design is done by drafting and/or computer aided technology.

c. Claim 2 recites the limitation, “an annular shape”. It is unclear if this shape is the same shape previously recited as “designed using powder metallurgy”.

- d. Claim 3 recites the limitation, "[the detent disk has] a substantially uniform material thickness." It is unclear how this is so given that Figs. 2 & 3 show circumferentially distributed detent cams 15 give the detent disk 10 a varied thickness.
- e. The features recited in claim 9, lines 4+ and claim 11 are not shown in the drawings and can therefore cannot be assessed in way that the metes and bounds of the claims can be accurately determined.
- f. Claim 11 recites the limitation "the detent cams (15) and/or recesses". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson, US 2,561,136. Figs. 1-3 show an overload coupling having a detent disk 14 comprising:
- a front face (shown in Fig. 3) with detent cams 21 that engage a spur gear transmission 11, 24, a toothed gearing (see "coacting serrations" in col. 3, line 36) of the spur gear and the detent cams overlapping each other in the axial direction; and
 - at least one driving device 17 for establishing a rotary driving connection with a rotary driving means 10.

14. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bohnhoff et al, US 2,802,354. Fig. 1 shows an overload coupling having a detent disk (see “flange” in col. 1, line 54) comprising:

a front face with detent cams 54 that engage a spur gear transmission 10, a toothed gearing (provided by the element 48) of the spur gear and the detent cams overlapping each other in the axial direction; and

at least one driving device (see “keyed” in col. 1, line 54) for establishing a rotary driving connection with a rotary driving means 16.

15. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Avery, US 3,557,574. Figs. 1-3 show an overload coupling having a detent disk 10 comprising:

a front face (see Fig. 2) with detent cams 15 that engage a spur gear transmission 11, a toothed gearing 16 of the spur gear and the detent cams overlapping each other in the axial direction; and

at least one driving device (see “splined” in col. 1, line 55) for establishing a rotary driving connection with a rotary driving means (see “shafts” in col. 1, line 56).

At col. 2, lines 53-57, the detente disk 10 is disclosed as being formed using a mold-based, powder metallurgical method.

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16. Claims 1-5, 8, 10 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dollmeier et al, US 6,610,244 Dollmeier discloses a method of manufacturing a detent disk 1 formed using a mold based, powder metallurgical method.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/
Primary Examiner, Art Unit 3679